

ORIGINAL

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DOCKET FILE COPY ORIGINAL

April 3, 1995

Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554  
Attn: Allocations Branch

RECEIVED  
APR 6 1995

RE: Petition for Rulemaking To Amend FM  
Table of Allotments, Littlefield, Wolfforth,  
and Tahoka, Texas and Request for Expedited  
Consideration

To Whom It May Concern:

Please find enclosed an original and four copies of the above referenced Petition for Rule Making to (i) delete Channel 238C3 at Littlefield, Texas, and Channel 237A at Tahoka, Texas and to add Channel 238C3 at Wolfforth, Texas as that community's first local broadcast service and (ii) to modify the unbuilt construction permit of Petitioner (KAIQ(FM), Littlefield, Texas) to specify operation on Channel 238C3 at Wolfforth, Texas.

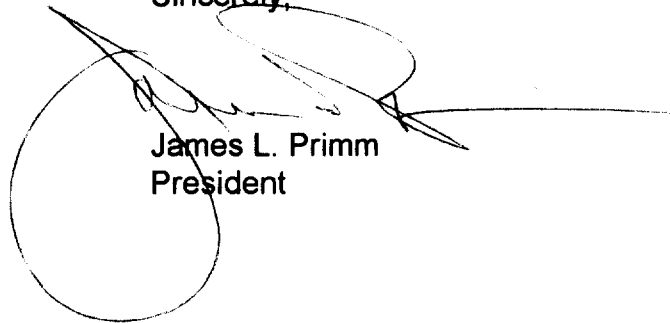
Also enclosed is a file stamped copy. Please stamp and return the copy marked Stamp and Return in the attached postage paid return envelope.

21st Century hereby requests expedited consideration of the attached Petition. 21st Century wishes to change its city of license for its construction permit for operation on Channel 238C3 at Littlefield, Texas to Wolfforth, Texas pursuant to Section 1.420(i) of the Commission's rules. Petitioner's construction

permit for Channel 238C3 at Littlefield will expire on November 19, 1995 and 21st Century therefore requests expedited consideration of the instant Petition so that it will have time to construct its facility at Wolfforth prior to expiration of its construction permit, provided the Commission grants this Petition.

Please contact the undersigned if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Primm", is written over a large, faint circular stamp or watermark. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James L. Primm  
President

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No.  
Table of Allotments ) RM-  
FM Broadcast Stations )  
Littlefield and Lubbock, Texas and )  
Tahoka, TX )  
To: Chief, Policy and Rules Division )

RECEIVED  
APR 6 1995  
FEDERAL COMMUNICATIONS COMMISSION

**PETITION FOR RULE MAKING**

21st Century Radio Ventures, Inc., permittee of KAIQ (FM), Littlefield, TX ("Petitioner") (File No. BPH-930726BM) hereby petitions the Commission to institute a rule making proceeding for the purpose of allotting Channel 238C3 at Wolfforth, Texas, to provide that community with its first local service, and deleting Channel 238C3 at Littlefield, Texas and deleting vacant allotment 237A at Tahoka, Texas. Petitioner proposes to amend the Table of FM Allotments as follows:

	<u>Present</u>	<u>Proposed</u>
Littlefield, TX	238C3	-----
Wolfforth, TX	-----	238C3
Tahoka, TX	237A	-----

The coordinates for the proposed allotment to Wolfforth are North Latitude 33° ,25',48" and West Longitude 102° ,03',35".

In addition, it is requested that the Commission modify the construction permit issued to Petitioner for KAIQ(FM) to specify operation on Channel 238C3 at Wolfforth, Texas, pursuant to Section 1.420(i) of the Commission's Rules. The Commission may modify the permit issued to Petitioner without considering competing expressions of interest because the proposed allotment of Channel 238C3 to Wolfforth is mutually exclusive with the present allotment of Channel 238C3 at Littlefield, the proposed change in allotments will not deprive Littlefield of its only local transmission service and the proposed change in allotments will result in a preferred distribution of facilities under the Commission's FM allotment priorities and policies. See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 66 RR 2d 827 (1989) ("Report and Order"), recon. granted in part, 5 FCC Rcd 7094, 68 RR 2d 644 (1990) ("Memorandum

Opinion and Order").

## **DISCUSSION**

### **I. WOLFFORTH IS CLEARLY A COMMUNITY FOR PURPOSES OF THE COMMISSION'S ALLOTMENT CRITERIA**

47 U.S.C. Section 307(b), as amended, requires that the Commission distribute frequencies among the "several states and communities." The Commission has defined community as a geographically identifiable population grouping. Generally, if a community is incorporated or is listed in the U.S. Census, that is sufficient to satisfy its status as a community. See Revision of FM Assignments Policies and Procedures, 90 F.C.C. 2d 88 (1982) ("Assignments Policies"). Wolfforth (population 1,941) is identified as a separate community in the 1990 U.S. Census. Wolfforth was incorporated in 1950 and is governed independently (mayor and five council members) and holds elections for its own officials. Wolfforth operates its own fire department and it collects certain separate ad valorem property taxes. In addition, Wolfforth is located outside of the Lubbock, Texas Urbanized Area. As a result, the community of Wolfforth should be judged as a community separate and apart from Lubbock.

### **II. ALLOTMENT OF CHANNEL 238C3 AT WOLFFORTH IS MUTUALLY EXCLUSIVE WITH AN ALLOTMENT OF CHANNEL 238C3 AT LITTLEFIELD**

Section 1.420(i) of the Commission's rules permits a station to specify a new community of license, provided the proposed allotment is mutually exclusive with the present assignment. Because the Wolfforth Channel 238C3 reference site would be short-spaced to the authorized KAIQ site by 94.96 kilometers, the new allotment is mutually exclusive with the existing allotment. Please see the engineering statement of duTreil, Lundin & Rackley attached hereto for an allocation study of the cities in question.

### **III. THE PROPOSAL WILL RESULT IN A PREFERENTIAL ARRANGEMENT OF ALLOTMENTS**

#### **A. Wolfforth Will Receive Its First Local Broadcast Service and Littlefield Will Retain Existing Service From KZZN-AM**

Application of the Commission's FM allotment priorities and policies to the proposed change of allotments will result in a preferential arrangement of allotments. Wolfforth will be provided with its first local broadcast service which is the Commission's third FM allotment priority and second in weight behind provision of a first aural service. See Assignment Policies, 90 F.C.C. 2d 88, 92 (1982). The removal

of KAIQ from Littlefield, on the other hand, will not deprive that community of its only local transmission service, because Littlefield will continue to receive service from licensed full time station KZZN 1490 AM.

Figures 8 and 10 of the attached engineering statement of duTreil, Lundin & Rackley indicate that Littlefield will remain "well served" by aural services even in the absence of KAIQ. There will continue to be 14 FM and 3 AM services available to Littlefield after grant of the proposed reallocation. The Commission has indicated that a community is "well served" by aural service if there are more than five aural services available. See Report and Order, Amendment of Section 73.202(b) (Oshkosh, Winneconne & Townsend, Wisconsin and Menominee, Michigan), MM Docket No. 90-139, released February 21, 1995.

The Commission has viewed reallocations which do not result in the loss of an on-air service more favorably. In the Memorandum Opinion and Order, the Commission noted that a reallocation must not deprive a community of an "existing service." The Commission has indicated that an "existing service" for purposes of Section 1.420(i) does not include an unbuilt construction permit. The Commission recently upheld reallocation of an unbuilt construction permit noting that although the community being left behind did not yet have a constructed radio service, because no on-air service would be eliminated, the public would not be losing a service upon which it had come to rely. In the Matter of Amendment of Section 73.202(b), Pawley's Island and Atlantic Beach, South Carolina, MM Docket 92-175 (DA 93-1374); released December 13, 1993. KAIQ remains unbuilt and therefore there will not be a loss of existing service to Littlefield.

#### **B. Alternate FM Channel Will Be Made Available at Littlefield**

Upon grant of the instant petition and reallocation of Channel 238C3 to Wolfforth, Channel 240C3 will become available at Littlefield. As a result, Littlefield will not be deprived of its own FM service in the future should there be an expression of interest.

#### **C. The Number of Persons Served Will Be Dramatically Increased From 35,214 People to 251,733 People With A "Net Increase" in 1mV/m Coverage of 216,519 People.**

The attached engineering statement of duTreil, Lundin & Rackley indicates that the reallocation will result in a dramatic increase in service to populated areas, with service increasing from only 35,214 people to 251,733 people. This results in a net gain of 216,519 persons served, even after allowing for a theoretical loss in service to 17,638 people (the loss is noted as theoretical because the station is unbuilt and has

never been on the air). The theoretical loss in service will be reduced to only 675 people should Channel 240C3 be allocated to Littlefield.

Even provided that 240C3 is not allocated, the great bulk of theoretical lost service (which, with 12,383 people, is only 5.7% of the net gain of 216,519), will be in areas already served by five or more stations. Similarly, the bulk of the gain area will include mostly well served areas. Only a very small percentage of theoretical loss will be in areas served by only one station or areas receiving no service at all. See Figure 9 of the attached engineering statement by duTreil, Lundin & Rackley providing complete details. Provided Channel 240C3 is ultimately allocated and built, there will be no loss to areas with only one station or no stations at all. There will only be a loss of service to 675 people in areas served by three or more stations.

Petitioner suggests that the resulting large increase in population served justifies a small theoretical loss in service from unbuilt KAIQ, particularly because most of the loss occurs in areas already well served by radio. In addition, virtually all of the lost service may be made up for by allocation of a new FM service to Littlefield which will be made possible by grant of the instant Petition.

#### **D. KAIQ Was Not Obtained Through the Commission's Comparative Hearing Process**

The Memorandum Opinion and Order indicates that a modification of city of license of an unbuilt facility will generally not be permitted when a construction permit is obtained through the Commission's comparative hearing process. Memorandum Opinion and Order, 5 FCC Rcd at 7097. KAIQ was obtained on a first-come first-serve basis and as a result it is not subject to the foregoing restriction.

#### **IV. DELETION OF CHANNEL 237A AT TAHOKA, TEXAS**

The Commission's rules requires that the proposed reallocation comply with all relevant minimum distance separation requirements at the new site. As indicated on the attached engineering statement of duTreil, Lundin & Rackley, the reference site at Wolfforth complies with the Commission's minimum distance separation requirements contained in Section 73.207 of the Commission's rules to all existing, authorized and proposed stations and allotments, except to the vacant allotment for Channel 237A at Tahoka, Texas. Operation from the reference site will provide the required city grade coverage over Tahoka.

The instant proposal is short spaced to the Channel 237A allotment at Tahoka, Texas. Channel 237A was first allocated to Tahoka over ten years ago in MM Docket 84-231. A construction permit was issued and subsequently assigned the call sign KZUB which was never constructed. Consequently, the construction permit for KZUB

was cancelled and the call letters deleted. The Commission again sought interest in the allocation of Channel 237A on its own motion (Report No. CF-28, released November 17, 1994), establishing a filing window which closed on December 20, 1994. No one applied during the window and there do not appear to be any indications of interest to date. As a result, the Commission may delete this channel without prejudice to any party wishing to construct Channel 237A at Tahoka. As indicated on the attached engineering statement of duTreil, Lundin & Rackley, deletion of Channel 237A will not deprive Tahoka of FM service in the future should there be any interest. Channel 278A is also available for service at Tahoka.

Alternatively, the Commission may wish to substitute Channel 278A for Channel 237A at the Tahoka reference site. As indicated in the attached engineering statement of duTreil, Lundin & Rackley (see Figure 3 therein), such a substitution may be accomplished in compliance with the Commission's minimum distance separation requirements to all known, existing, authorized and proposed stations and allotments, including the proposed change of city of license advanced by this Petition. In the event such a substitution is desired, the FM Table of Allotments will be amended as follows:

	<u>Present</u>	<u>Proposed</u>
Tahoka, Texas	237A	278A

The coordinates for the proposed substitution for Channel 278A at Tahoka, Texas are North Latitude 33° ,11',34" and West Longitude 101° ,44',44".

**V. APPLICATION BY PETITIONER AFTER GRANT OF INSTANT PETITION**

In the event that the instant petition is granted, Petitioner will file an application for a modification of its construction permit for the facilities provided herein and shall promptly construct the facilities when such authorization is granted.

**VI. SUMMARY AND CONCLUSION**

The proposed reallocation of Channel 238C3 (KAIQ(FM)) from Littlefield, Texas to Wolfforth, Texas and the simultaneous deletion of Channel 237A at Tahoka, Texas or substitution of Channel 278A for Channel 237A at Tahoka, will result in a preferential arrangement of allotments under the Commission's rules. At least 216,000 more people will be served and Wolfforth will be provided with its first local broadcast service. Littlefield will not lose its only aural service as a result of the fact that KZZN-AM will remain at Littlefield. In addition, KAIQ(FM) is not yet on the air so its reallocation will not remove a service upon which people have come to rely. Additionally, an additional FM channel, 240C3 will be made available for Littlefield by grant of the instant petition.

The proposed reallocation meets all Commission technical requirements, as the proposed reallocation is mutually exclusive with the present assignment and it will meet all Commission separation requirements (provided Channel 237A at Tahoka is either deleted or is substituted for Channel 278A at Tahoka). Operation from the reference site will place a city grade signal over Wolfforth.

Respectfully submitted,

21st Century Radio Ventures, Inc.

By: 

James L. Primm  
President

21st Century Radio Ventures, Inc.  
713 Broadway  
Santa Monica, CA 90401  
310-393-2741





***du Treil, Lundin & Rackley, Inc.***

\_\_\_\_\_ A Subsidiary of A.D. Ring, P.A.

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Sarasota, Florida 34236  
Telephone: (813) 366-2611  
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DC Facsimile: (202) 466-2042

**MEMORANDUM**

**To: Jim Primm, Esquire**

**Date: March 28, 1995**

**From: Jeff Reynolds, Direct Line (813) 365-7521**

**Subject: Littlefield to Wolfforth, Texas Reallotment Proposal**

**Via: FedEx**

**Comments:**

The modifications you requested have been made to the Littlefield to Wolfforth, Texas reallotment proposal and the original 6 copies are attached. Section 1.420(e) requires that the original and four copies of a Petition for Rule Making are to be filed with the FCC. In addition, Section 1.401 provides additional information concerning the filing of Petitions for Rule Making. A copy is also being sent to Reg Hopkins.

Regards, Jeff

dLR:2774A.9351

TECHNICAL EXHIBIT  
IN SUPPORT OF  
A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
LITTLEFIELD AND WOLFFORTH, TEXAS

Technical Narrative

This technical narrative and associated exhibits have been prepared on behalf of 21st Century Radio Ventures, Inc. (herein "Petitioner") in support of a Petition for Rule Making to amend Section 73.202(b) by the reallocation of channel 238C3 from Littlefield, Texas to Wolfforth, Texas and the modification of the construction permit (BPH-930726BM) of FM Station KAIQ, channel 238C3, Littlefield, Texas accordingly. Furthermore, Petitioner also requests either the deletion of the vacant, and unapplied for, channel 237A allotment at Tahoka, Texas or the substitution of channel 278A for channel 237A. As the requested change to Wolfforth is mutually exclusive with the allotment of channel 238C3 at Littlefield, Petitioner invokes the provisions of Section 1.420(i).

The following is a summary of the reallocation proposal:

- Wolfforth (population 1,941) will be provided with its first local aural transmission service and Littlefield (population 6,489) will continue to receive local aural transmission service from fulltime station KZZN(AM).
- Wolfforth is not located within an Urbanized Area as defined by the 1990 U.S. Census.
- The number of persons within the KAIQ 1 mV/m contour will increase from 35,214 persons to 251,733 persons,

and there will be a "net" increase in 1 mV/m coverage of 216,519 persons.

- As KAIQ is unbuilt, the loss area created by the proposal is not a service upon which the public has come to rely.
- Adoption of the reallocation proposal would make available channel 240C3 at Littlefield.
- The Petitioner filed a "first-come/first serve" application for the vacant channel 238C3 allotment at Littlefield; therefore, the authorized KAIQ facilities did not result from a comparative hearing.

Proposed Change in Table of Allotments

Station KAIQ is currently authorized by outstanding construction permit (BPH-930726MB) to operate on channel 238C3 at Littlefield, Texas with an effective radiated power (ERP) of 25 kW and an antenna height above average terrain (HAAT) of 35 meters. The KAIQ application for construction permit was filed on a "first-come/first serve" basis for the vacant channel 238C3 allotment at Littlefield. Therefore, the authorized KAIQ facilities did not result from a comparative hearing. Littlefield, Texas with a 1990 U.S. Census population of 6,489 persons, presently has one commercial FM Class C3 assignment, namely, KAIQ. In addition, there is one AM assignment, namely, licensed fulltime station KZZN on 1490 kHz.

Wolfforth, Texas with a 1990 U.S. Census population of 1,941 persons, has no local FM or AM service. Petitioner's proposal would therefore bring

first local broadcast service to Wolfforth, and would not deprive Littlefield of local broadcast service.

Furthermore, as the reallocation of channel 238C3 would make available the allotment of channel 240C3 at Littlefield, the proposal would not deprive Littlefield of available local FM broadcast service, should there be any expressions of interest.

Option I

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Littlefield, Texas	238C3	-- <sup>1</sup>
Wolfforth, Texas	--	238C3
Tahoka, Texas	237A	--

Option II

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Littlefield, Texas	238C3	-- <sup>1</sup>
Wolfforth, Texas	--	238C3
Tahoka, Texas	237A	278A

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 238C3 at Wolfforth.<sup>2</sup> The reference site complies with the Commission's minimum distance separation requirements contained in section 73.207 to all existing, authorized

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<sup>1</sup> Channel 240C3 is available for allotment at Littlefield as a result of adoption of the reallocation proposal.

<sup>2</sup> The geographic coordinates for Channel 238C3 at Wolfforth are North Latitude 33°25'48" and West Longitude 102°03'35".

and proposed stations and allotments, except to the authorized KAIQ site, and the allotment reference site for channel 237A at Tahoka, Texas. Operation from the reference site will provide the requisite city grade signal to all of Wolfforth.

Figure 2 is a map showing the area to locate channel 238C3 at Wolfforth in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on maximum Class C3 facilities (ERP 25 kW/HAAT 100 m). The Wolfforth city limits shown on Figure 2 were obtained from a map contained in the 1990 U.S. Census of Population.

Pursuant to section 1.420(i), the Commission will consider petitions to modify the license of an FM station to specify a new community if the proposed allotment would be mutually exclusive with the present assignment. As the Wolfforth channel 238C3 reference site would be short-spaced to the authorized KAIQ site by 94.96 kilometers the new allotment is mutually exclusive with the existing allotment.

The proposed Wolfforth channel 238C3 reference site is short-spaced to the vacant channel 237A allotment at Tahoka, Texas.<sup>3</sup> It is proposed to either delete

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<sup>3</sup> Channel 237A was allotted to Tahoka in the First Report and Order in MM Docket 84-231. A CP was issued to KZUB and subsequently canceled and the call letters deleted. The FCC reopened the filing window (Report No. CF-28, released Nov. 17, 1994) from November 17 through

channel 237A at Tahoka (Option I) or substitute channel 278A for channel 237A (Option II). Figure 3 is a tabulation of separations pertinent to the use of channel 278A at Tahoka.<sup>4</sup> As demonstrated, the Tahoka reference site complies with the Commission's minimum distance separation requirements to all known existing, authorized and proposed stations and allotments.

Figure 4, attached, is a map showing the area to locate channel 278A at Tahoka in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on maximum Class A facilities (ERP 6 kW/HAAT 100 m). The Tahoka city limits shown on Figure 4 were obtained from a map contained in the 1990 U.S. Census of Population.

Channel 240C3 is available for allotment to Littlefield if the instant proposal to allot channel 238C3 to Wolfforth is adopted. Figure 5 is a tabulation of separations pertinent to use of channel 240C3 at Littlefield.<sup>5</sup> As demonstrated, compliance with the Commission's minimum distance separation requirements to all existing, authorized and proposed stations and allotments obtains. In addition, operation on channel

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December 20, 1994. There were no known applications filed during the window, and the allotment remains vacant.

<sup>4</sup> The geographic coordinates for Channel 278A at Tahoka are North Latitude 33°11'34" and West Longitude 101°44'44".

<sup>5</sup> The geographic coordinates for Channel 240C3 at Littlefield are North Latitude 33°55'12" and West Longitude 102°31'47".

240C3 from this location will provide the requisite city grade signal to all of Littlefield.

Figure 6 is a map showing the area to locate channel 240C3 at Littlefield in compliance with the Commission's minimum distance and city coverage requirements, based on maximum Class A facilities. The Littlefield city limits shown on Figure 6 were obtained from a map contained in the 1990 U.S. Census of Population.

#### Gain and Loss Areas and Available Aural Services

Figure 7A, attached, is a map showing the FM 1 mV/m primary service contours for the authorized KAIQ operation on channel 238C3 at Littlefield and the proposed operation on channel 238C3 at Wolfforth. Maximum facilities and uniform terrain were used to determine contour locations. The 1 mV/m "gain" and "loss" areas are also identified by shading. It is emphasized that the authorized KAIQ facilities are unbuilt and the FCC has stated that the removal of an unbuilt station from a community does not represent the same concerns with loss of service that removal of an operating station would represent.<sup>6</sup>

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<sup>6</sup> See paragraph 2 of the Report and Order in MM Docket No. 92-175 (DA 93-1374; adopted November 10, 1993, released December 13, 1993).

Figure 7B, attached, is a map showing the FM 1 mV/m primary service contours for the authorized KAIQ operation on channel 238C3 at Littlefield, the proposed operation on channel 238C3 at Wolfforth and the "available" channel 240C3 allotment at Littlefield. Maximum facilities and uniform terrain were used to determine contour locations. The resulting 1 mV/m gain and loss areas are also identified by shading.

Figure 8 is a map depicting the FM 1 mV/m primary service contours for the authorized KAIQ operation on channel 238C3 at Littlefield, the proposed operation on channel 238C3 at Wolfforth and the "available" channel 240C3 allotment at Littlefield. Also shown are other aural (AM, FM) services available to the areas within the 1 mV/m contours.<sup>7</sup> As the area within the 1 mV/m contour of the proposed channel 238C3 operation at Wolfforth would have available five or more services, only a portion of the contour has been shown for illustrative purposes. The letters identify the FM 1 mV/m contours and the numbers identify the AM nighttime-interference-free (NIF) contours of stations tabulated on Figure 10. Only those aural services necessary to provide at least five (5) fulltime aural services to the areas have been shown on Figure 8.

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<sup>7</sup> The determination of available reception services was based on the criteria set forth in footnote 5 of the Notice of Proposed Rule Making in MM Docket No. 94-61 (DA-611; adopted June 9, 1994 released July 5, 1994).



Figure 9 is a tabulation of the land areas and estimated populations within the 1 mV/m FM primary service contours for the authorized KAIQ channel 238C3 operation at Littlefield, proposed channel 238C3 operation at Wolfforth and the "available" channel 240C3 allotment at Littlefield. Also tabulated are the gain area, loss area and "net" gain area based on the available channel 240C3 allotment at Littlefield (1) not considered and (2) considered. Adoption of the Petitioner's proposal, without consideration given to the available channel 240C3 allotment at Littlefield, will increase the number of persons within the KAIQ 1 mV/m contour from 35,214 persons to 251,733 persons, and there will be a "net" increase in 1 mV/m coverage of 216,519 persons. Adoption of the Petitioner's proposal, with consideration given to the available channel 240C3 allotment at Littlefield, will increase the number of persons within a 1 mV/m contour from 35,214 to 239,510, and will result in a "net" increase in 1 mV/m coverage of 238,835 persons.

Finally, Figure 9 provides a tabulation of the area and population for the reception services available within each gain and loss area based on the "available" channel 240C3 allotment at Littlefield (1) not considered and (2) considered. It is noted that areas that receive at least five radio services are considered to be "well-served".

Coverage Contours

The FM predicted coverage contours were calculated in accordance with the provisions of section 73.313, except that uniform terrain was presumed in all directions.

For AM stations, distances to the pertinent contours were calculated using nondirectional or standard pattern radiation values along all azimuths. Values of ground conductivity were taken from FCC Figure M3.

#### Population and Area

The population within each FM primary service contour (1 mV/m), gain and loss area, and reception area was calculated using a computer program that utilizes the 1990 U.S. Census database of "population centroids". The program adds the populations of those U.S. Census designated areas whose centroid was within each service area. The area within each FM primary service contour was calculated using a root mean square algorithm.

Conclusion

Channel 238C3 can be reallocated from Littlefield to Wolfforth, Texas in compliance with all applicable Commission Rules. The reallocation will require either the deletion of channel 237A at Tahoka, Texas or the substitution of channel 278A for 237A. In addition, channel 240C3 is available for allotment to Littlefield if the proposal is adopted. Furthermore, adoption of the proposal, without consideration given to the available channel 240C3 allotment at Littlefield, will increase the number of persons within the KAIQ 1 mV/m contour from 35,214 persons to 251,733 persons, and there will be a "net" increase in 1 mV/m coverage of 216,519 persons. Adoption of the Petitioner's proposal, with consideration given to the available channel 240C3 allotment at Littlefield, will increase the number of persons within a 1 mV/m contour from 35,214 to 239,510, and will result in a "net" increase in 1 mV/m coverage of 238,835 persons.

Therefore, Petitioner requests the reallocation of channel 238C3 to Wolfforth, Texas and the modification of the KAIQ construction permit, accordingly, and either

the deletion of channel 237A at Tahoka, Texas or the  
substitution of channel 278A for channel 237A.

A handwritten signature in dark ink, appearing to read "W. Jeffrey Reynolds". The signature is fluid and cursive, with the first name "W." and last name "Reynolds" being more distinct than the middle name "Jeffrey".

W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.  
240 North Washington Blvd.  
Suite 700  
Sarasota, Florida 34236

February 20, 1995

TECHNICAL STATEMENT  
IN SUPPORT OF  
A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
LITTLEFIELD AND WOLFFORTH, TEXAS

FM Separation Study

Job Title :Proposed KAIQ, Wolfforth, Texas                      Separation Buffer 32 km

FCC DB Date : 12/27/94

Channel 238C3 ( 95.5 MHz)

Coordinates : 33-25-48 102-03-35

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
ALC	Tahoka TX	Docket84-231	237A 95.3	.0	33-06-47 101-49-49	148.8	41.15 -47.85	89 SHORT <sup>1</sup>
KFLL LIC	Floydada TX	BLH850404LP	237A 95.3	3.00 71.0	33-58-07 101-21-13	47.3	88.63 -0.37	89 SHORT <sup>2</sup>
KAIQ CP	Littlefield TX	BPH930726MB	238C3 95.5	25. 35.0	33-52-02 102-24-12	326.9	58.04 -94.96	153 SHORT <sup>3</sup>
AVAIL	Littlefield TX		240C3 95.5	25. 100.0	33-55-12 102-31-47	321.5	69.67 26.67	43 CLEAR <sup>4</sup>
KVRPFM LIC	Haskell TX	BLH810416AA	238C1 95.5	100. 162.0	33-09-40 99-48-57	97.5	211.12 0.12	211 CLOSE
KPER LIC	Hobbs NM	BLH811118AM	239C3 95.7	25.0 78.0	32-43-28 103-09-03	232.6	128.47 29.47	99 CLEAR

Class C with respect to Mexico.

\*\* End of separation study for channel 238C3 \*\*

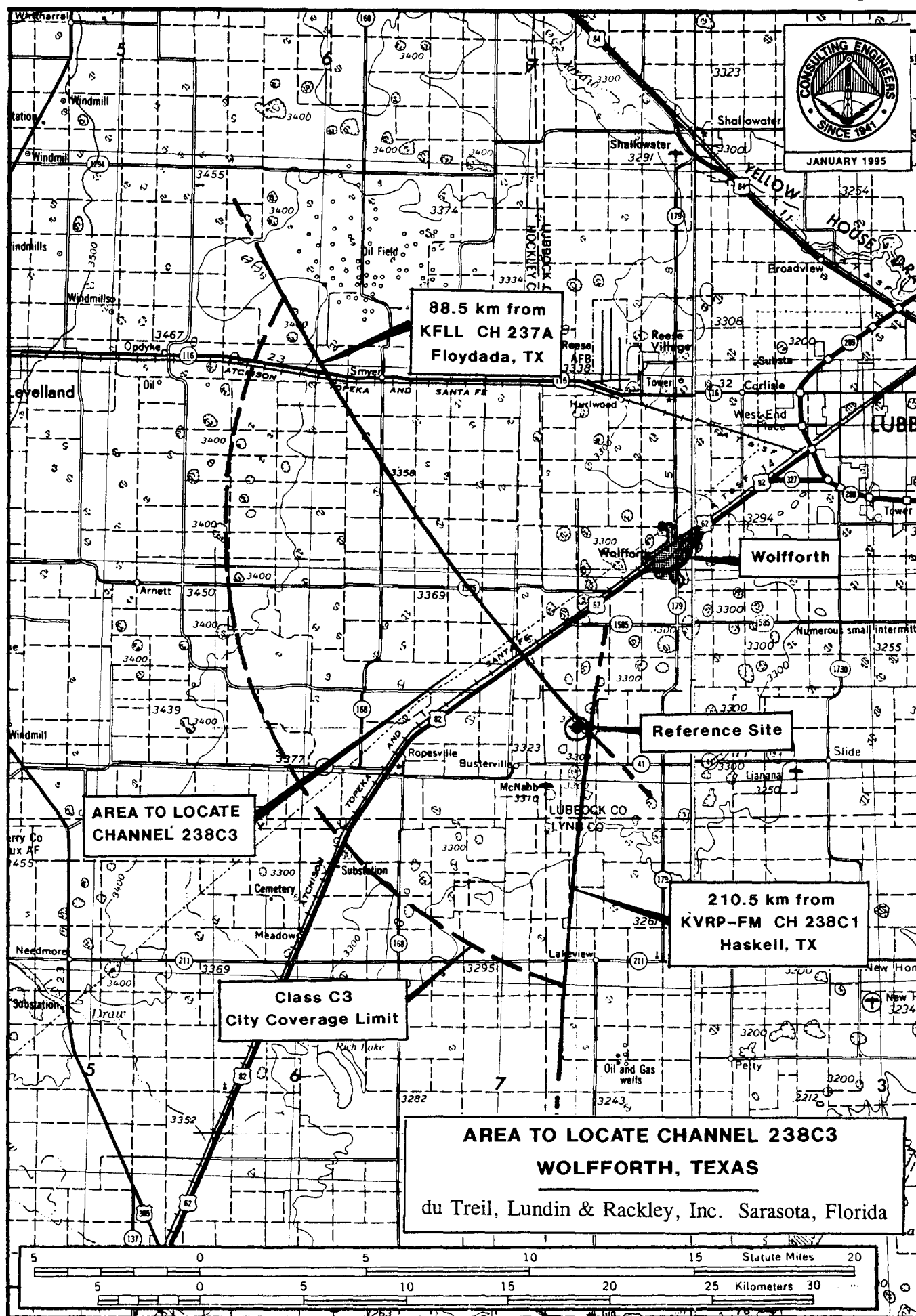
<sup>1</sup> It is proposed to either delete the vacant, and unapplied for, channel 237A allotment at Tahoka or substitute channel 278A for channel 237A.

<sup>2</sup> Complies with the minimum distance separation requirements of Section 73.207 when rounded to the nearest whole kilometer pursuant to Section 73.208.

<sup>3</sup> Authorized KAIQ site. Requested reallocation of channel 238C3 to Wolfforth is mutually exclusive with the Petitioner's current channel 238C3 allotment at Littlefield, Texas.

<sup>4</sup> Availability of channel 240C3 allotment at Littlefield, Texas contingent on adoption of the Petitioner's proposal to reallocate channel 238C3 from Littlefield to Wolfforth.

Figure 2



TECHNICAL STATEMENT  
IN SUPPORT OF  
A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
LITTLEFIELD AND WOLFFORTH, TEXAS

FM Separation Study

Job Title :Ch. 278A, Tahoka, Texas

Separation Buffer 32 km

FCC DB Date : 12/27/94

Channel 278A (103.5 MHz)

Coordinates : 33-11-34 101-44-44

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KJAK	Slaton		224C1	100.	33-32-32	347.7	39.69	22
LIC	TX	BLH891113KB	92.7	178.0	101-50-14		17.69	CLEAR
KKYC	Muleshoe		276A	3.6	34-12-58	321.6	145.56	31
LIC	TX	BLH920713KB	103.1	123.0	102-43-42		114.56	CLEAR
KCRSFM	Midland		277C1	100.	32-05-11	202.5	132.78	133
LIC	TX	BLH7078	103.3	280.0	102-17-11		-0.22	SHORT <sup>1</sup>
	Hereford		278C2		34-49-18	341.8	190.48	166
ALC	TX	Docket87-545	103.5	.0	102-23-54		24.48	CLEAR
KCDD	Hamlin		279C	100.	32-43-31	108.0	164.86	165
LIC	TX	BLH870206KC	103.7	300.0	100-04-19		-0.14	SHORT <sup>1</sup>
KLZK	Brownfield		280A	3.00	33-10-30	267.9	50.72	31
LIC	TX	BLH841109LP	103.9	91.0	102-17-20		19.72	CLEAR

\*To Channel 282C2 per D87-603

\*\* End of separation study for channel 278A \*\*

<sup>1</sup> Complies with the minimum distance separation requirements of Section 73.207 when rounded to the nearest whole kilometer pursuant to Section 73.208.

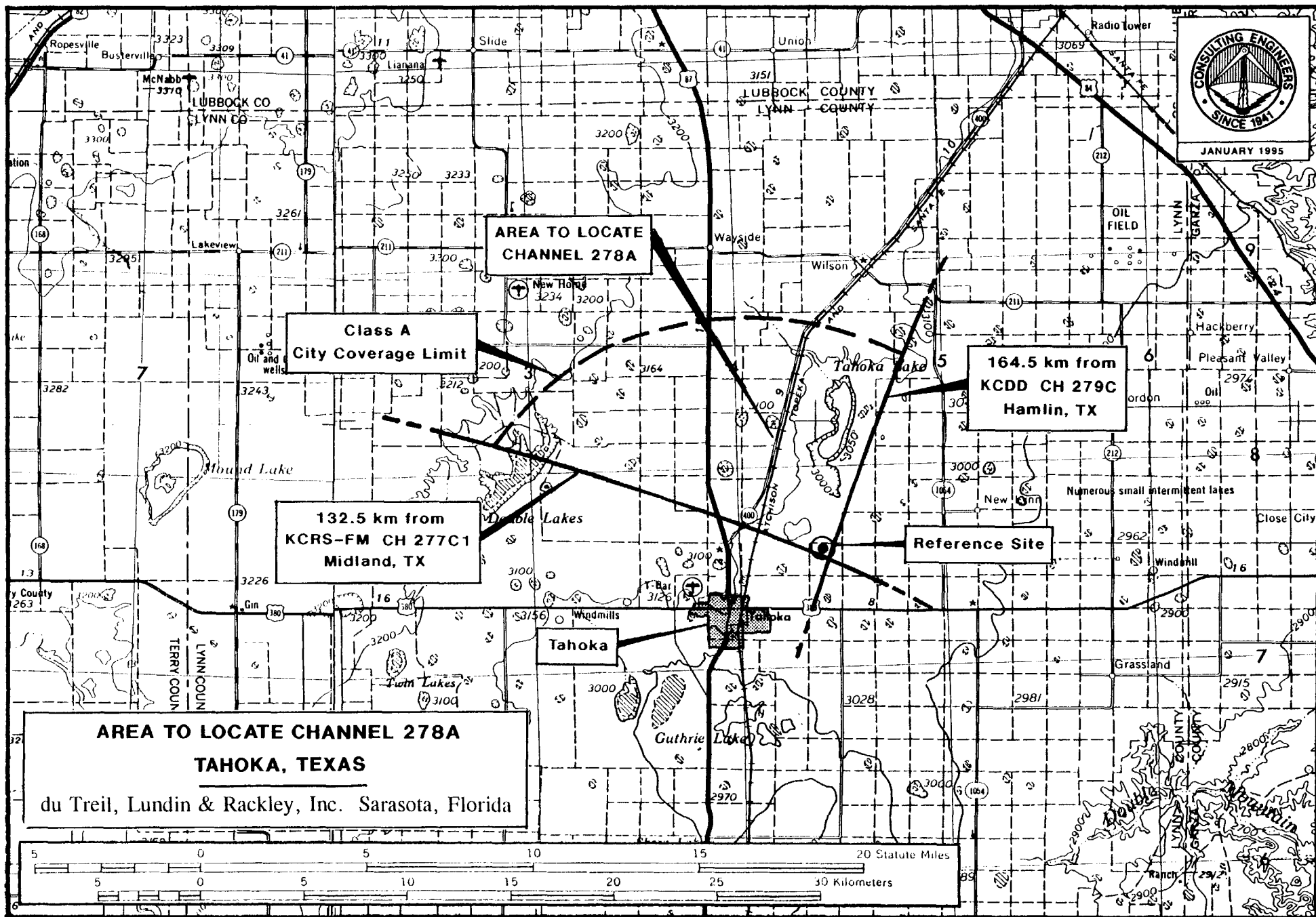


Figure 4



TECHNICAL STATEMENT  
IN SUPPORT OF  
A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
LITTLEFIELD AND WOLFFORTH, TEXAS

FM Separation Study

Job Title :Ch. 240C3, Littlefield, Texas                      Separation Buffer 32 km

FCC DB Date : 12/27/94

Channel 240C3 ( 95.9 MHz)

Coordinates : 33-55-12 102-31-47

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KSELF LIC	Portales NM	BMLH911018KB	237A 95.3	6.0 91.0	34-11-51 103-19-24	293.1	79.48 37.48	42 CLEAR
KAIQ CP	Littlefield TX	BPH930726MB	238C3 95.5	25. 35.0	33-52-02 102-24-12	116.7	13.08 -29.92	43 SHORT <sup>1</sup>
KAIQ PROP	Wolfforth TX		238C3 95.5	25. 100.0	33-25-48 102-03-35	141.1	69.67 26.67	43 CLEAR
KPER LIC	Hobbs NM	BLH811118AM	239C3 95.7	25.0 78.0	32-43-28 103-09-03	203.6	144.67 45.67	99 CLEAR
Class C with respect to Mexico.								
KARX LIC	Claude TX	BLH920422KB	239C1 95.7	100. 119.0	35-06-16 101-39-28	31.0	153.87 9.87	144 CLOSE
KDIU CP	Dimmitt TX	BPH850617ML	240A 95.9	3.00 46.0	34-35-11 102-18-35	15.2	76.66 -65.34	142 SHORT <sup>2</sup>
*To amend to channel 263C3 per D90-547-From Channel 240C3 per D89-190-CP Forfeited & Call Letters Deleted 910724-Pet for Recon 910814-Pet For Recon Dismissed 940413								
KSRW LIC	Childress TX	BLH890620KA	241C2 96.1	50. 145.0	34-26-20 100-13-10	74.2	220.63 103.63	117 CLEAR
KLLLF LIC	Lubbock TX	BLH870115KA	242C1 96.3	100. 249.0	33-31-05 101-51-25	125.5	76.67 0.67	76 CLOSE
KWXN CP	Texico NM	BPH910326MA	243A 96.5	4.0 119.0	34-20-36 103-06-17	311.8	70.85 28.85	42 CLEAR

\*\* End of separation study for channel 240C3 \*\*

<sup>1</sup> Availability of Ch. 240C3 allotment at Littlefield, Texas is contingent on the adoption of the Petitioner's proposal to reallocate channel 238C3 from Littlefield to Wolfforth, Texas.

<sup>2</sup> Channel 263C3 was substituted for 240C3 effective 1/9/92, 56 FR 60933. Channel 240C3 previously substituted for 240A effective 5/18/90, 55 FR 12830.